

- 1 -

BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re Application of:	:	Before the Examiner:
Marc Lamberton	:	Zhong, Chad
	:	
Serial No.: 09/654,857	:	Group Art Unit: 2152
	:	
Filing Date: September 5, 2000	:	
	:	
Title: SYSTEM AND METHOD	:	IBM Corporation
FOR IMPROVING GATEWAY	:	Dept. T81/Bldg. 503
TRANSPARENCY	:	P.O. Box 12195
	:	3039 Cornwallis Road
	:	Research Triangle Park, NC 27709

APPEAL BRIEF

Mail Stop Appeal Brief-Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

I. REAL PARTY IN INTEREST

The real party in interest is International Business Machines, Inc., which is the assignee of the entire right, title and interest in the above-identified patent application.

II. RELATED APPEALS AND INTERFERENCES

There are no other appeals or interferences known to Appellant, Appellant's legal representative or assignee which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

III. STATUS OF CLAIMS

Claims 1-15 are pending in the Application. Claims 1-15 stand rejected. Claims 1-15 are appealed.

IV. STATUS OF AMENDMENTS

Appellant has not submitted any amendments following receipt of the final rejection with a mailing date of March 15, 2006.

V. SUMMARY OF CLAIMED SUBJECT MATTER

In one embodiment of the present invention, in a client-server environment, a method for providing transparency in a gateway of an IP network comprises the step of interrogating a directory comprising proxy server protocol data specific to every end-user network account of the IP network. Specification, page 11, line 13 – page 12, line 18; Figure 3b, element 346. The method may further comprise retrieving parameters associated with the proxy server protocol data for a first end-user in response to an access request from a client application of the first end-user. Specification, page 11, line 13 – page 12, line 18. The method may further comprise accessing an application server on behalf of the client application in accordance with the retrieved parameters for the first end-user. Specification, page 11, line 13 – page 12, line 18. The method may further comprise relaying data between the client application and the application server. Specification, page 11, line 13 – page 12, line 18; Figure 3(b), element 380.

In another embodiment of the present invention, a data processing system for providing a gateway of an IP network comprises circuitry operable for interrogating a directory comprising proxy server protocol data specific to every end-user network account of the IP network. Specification, page 11, line 13 – page 12, line 18; Specification, page 13, line 20 – page 14, line 29; Figure 3b, element 346; Figure 4, element 400. The data processing system further comprises circuitry operable for retrieving parameters associated with the proxy server protocol data for a first end-user in response to an access request from a client application of the first end-user. Specification, page 11, line 13 – page 12, line 18; Specification, page 13, line 20 – page 14, line 29; Figure 4, element 400. The data processing system further comprises circuitry operable for accessing an application server on behalf of the client application in accordance with the retrieved parameters for the first end-user. Specification, page 11, line 13 – page 12, line 18; Specification, page 13, line 20 – page 14, line 29; Figure 4, element 400. The data processing system further comprises circuitry operable for relaying data between the client application and the application server. Specification, page 11, line 13 – page 12, line 18; Specification, page 13, line 20 – page 14, line 29; Figure 3(b), element 380; Figure 4, element 400.

In another embodiment of the present invention, a computer program product embodied in a tangible storage medium, the program product for providing transparency in a gateway of an IP network, the program product including a program of instructions for performing the step of interrogating a directory comprising proxy server protocol data specific to every end-user network account of the IP network. Specification, page 11, line 13 – page 12, line 18; Specification, page 13, line 20 – page 14, line 29; Figure 3b, element 346; Figure 4, elements 414, 420. The program product further includes a program of instructions for performing the step of retrieving parameters associated with the proxy server protocol data for a first end-user in response to an access request from a client application of the first end-user. Specification, page 11, line 13 – page 12, line 18; Specification, page 13, line 20 – page 14, line 29; Figure 4, elements 414, 420. The program product further includes

a program of instructions for performing the step of accessing an application server on behalf of the client application in accordance with the retrieved parameters for the first end-user. Specification, page 11, line 13 – page 12, line 18; Specification, page 13, line 20 – page 14, line 29; Figure 4, elements 414, 420. The program product further includes a program of instructions for performing the step of relaying data between the client application and the application server. Specification, page 11, line 13 – page 12, line 18; Specification, page 13, line 20 – page 14, line 29; Figure 3(b), element 380; Figure 4, elements 414, 420.

VI. GROUND OF REJECTION TO BE REVIEWED ON APPEAL

A. Claims 1-2, 4, 6-7, 9, 11-12 and 14 stand rejected under 35 U.S.C. §102(e) as being anticipated by Ganguly et al. (U.S. Publication No. 2003/0212863) (hereinafter "Ganguly").

B. Claims 3, 8 and 13 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Ganguly in view of Aravamudan et al. (U.S. Patent No. 6,301,609) (hereinafter "Aravamudan").

C. Claims 5, 10 and 15 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Ganguly in view of Banavar et al. (U.S. Patent No. 6,662,206) (hereinafter "Banavar").

VII. ARGUMENT

A. Claims 1-2, 4, 6-7, 9, 11-12 and 14 are improperly rejected under 35 U.S.C. §102(e) as being anticipated by Ganguly.

Claims 1-2, 4, 6-7, 9, 11-12 and 14 stand rejected under 35 U.S.C. §102(e) as being anticipated by Ganguly. Office Action (3/15/2006), page 3. Appellant respectfully traverses these rejections for at least the reasons stated below.

For a claim to be anticipated under 35 U.S.C. §102, each and every claim limitation must be found within the cited prior art reference and arranged as required by the claim. M.P.E.P. §2131.

1. Claims 1, 6 and 11 are not anticipated by Ganguly.

Regarding claims 1, 6 and 11, Appellant respectfully asserts that Ganguly does not disclose "interrogating a directory comprising proxy server protocol data specific to every end-user network account of said IP network." The Examiner cites paragraphs [0013]; [0041] and [0125-0126] as well as items 312 and 900 of Ganguly as disclosing the above-cited claim limitation. Office Action (3/15/2006), page 3. Appellant respectfully traverses.

Ganguly instead discloses that companies typically configure their directory servers such that each server stores a subset of data types and, notably, the subsets do not overlap. [0013]. Ganguly further discloses that all corporate human resource related information (employee IDs, email and residential addresses, emergency contacts, salaries, etc.) are stored on LDAP server A, whereas all corporate research and development work are stored on LDAP server B. [0013]. Ganguly further discloses that by functioning as a proxy cache server, an aging algorithm may be used to manage the cached data, resulting in a situation where the requested data has been deleted from the proxy cache. [0041]. Additionally, Ganguly discloses a backend configuration table 900 that includes: a column 904 that holds the backend address numbers; a column 906 that holds the initiating point; a column 908 that holds the IP address for the LDAP backend server; a column 910 that holds the port number used by the proxy server to reach the backend server; a column 912 that holds a login needed administratively to log into the backend server; and a column 914 that holds the administrative password needed to log onto the backend server. [0125]. Furthermore, Ganguly discloses comparing the incoming predicate with the initiating points of the backend servers by reference to a table. [0126]. Hence, Ganguly

discloses storing different types of information (e.g., corporate human resource related information and corporate research and development work) on different LDAP servers.

There is no language in the cited passages that discloses interrogating a directory. Neither is there any language in the cited passages that discloses interrogating a directory comprising proxy server protocol data specific to every end-user network account of the IP network. Thus, Ganguly does not disclose all of the limitations of claims 1, 6 and 11. M.P.E.P. §2131.

Furthermore, the Examiner asserts that proxy server protocol data refers to "sockets." Office Action (3/15/2006), page 2. The Examiner further asserts that Appellant has not defined SOCKS. *Id.* Appellant respectfully traverses. Appellant respectfully directs the Board to at least page 5, lines 1-15; and page 10, line 6 – page 11, line 9 of Appellant's Specification for a discussion of SOCKS. SOCKS is a networking proxy protocol that runs in the proxy server that enables clients to gain full access to the servers without requiring direct IP reachability. Further, the Examiner must provide a basis in fact and/or technical reasoning to support the assertion that proxy server protocol data refers to sockets. *See Ex parte Levy*, 17 U.S.P.Q.2d 1461, 1464 (Bd. Pat. App. & Inter. 1990). That is, the Examiner must provide extrinsic evidence that must make clear that proxy server protocol data refers to sockets, and that it would be so recognized by persons of ordinary skill. *See In re Robertson*, 169 F.3d 743, 745 (Fed. Cir. 1999). Since the Examiner has not provided any such objective evidence, the Examiner has not presented a *prima facie* case of anticipation in rejecting claims 1, 6 and 11. M.P.E.P. §2131.

Furthermore, regarding claims 1, 6 and 11, Appellant respectfully asserts that Ganguly does not disclose "retrieving parameters associated with said proxy server protocol data for a first end-user in response to an access request from a client application of said first end-user." The Examiner cites item 900 of Figure 9 of

Ganguly as disclosing a directory that includes proxy server protocol data. Office Action (3/15/2006), page 3. The Examiner further cites items 904-914 of item 900 of Ganguly as disclosing parameters. Office Action (3/15/2006), page 3. The Examiner further cites paragraphs [0030-0031]; [0040]; [0049] and [0126-0127] of Ganguly as disclosing the above-cited claim limitation. Office Action (3/15/2006), page 3. Appellant respectfully traverses.

Items 904-914 of backend configuration table 900 of Ganguly are not the same as parameters associated with the proxy server protocol data as asserted by the Examiner. As stated above, the Examiner previously cited element 900 of Ganguly as disclosing a directory that includes proxy server protocol data. Ganguly discloses a backend configuration table 900 that includes: a column 904 that holds the backend address numbers; a column 906 that holds the initiating point; a column 908 that holds the IP address for the LDAP backend server; a column 910 that holds the port number used by the proxy server to reach the backend server; a column 912 that holds a login needed administratively to log into the backend server; and a column 914 that holds the administrative password needed to log onto the backend server. [0125]. Hence, elements 904-914 of backend configuration table 900 of Ganguly refer to information about the initiating points and range of data stored on a backend LDAP server. The data that is stored in configuration table 900 of Ganguly are not parameters associated with the proxy server protocol data. Thus, Ganguly does not disclose all of the limitations of claims 1, 6 and 11. M.P.E.P. §2131.

Further, the Examiner had previously cited backend configuration table 900 of Ganguly as storing proxy server protocol data. Now, the Examiner states that backend configuration table 900 of Ganguly stores parameters associated with the proxy server protocol data. The Examiner cannot cite the same items in Ganguly as disclosing two separate elements, namely, proxy server protocol data and parameters associated with the proxy server protocol data. Under the doctrine of claim differentiation, the Examiner must cite a different item in Ganguly as disclosing

parameters associated with the proxy server protocol data than the item in Ganguly that allegedly discloses proxy server protocol data. Thus, Ganguly does not disclose all of the limitations of claims 1, 6 and 11, and thus Ganguly does not anticipate claims 1, 6 and 11. M.P.E.P. §2131.

Additionally, Ganguly instead discloses a directory proxy caching system that is constructed based on a predicate, i.e., a query from a client. [0030]. Ganguly further discloses a predicate logic core that translates a conventional query from a client into a predicate used as the basis of (i) a probe/tool for searching/storing elaborate data on the internal cache of the proxy server and (ii) a directed request to retrieve the elaborate data from a remote server in the event the data is not present in the internal cache. [0031]. Ganguly additionally discloses that the client issues a query via the LDAP protocol to request certain data stored on the LDAP server. [0040]. Ganguly further discloses a proxy system with predicate caching intelligence. [0049]. In addition, Ganguly discloses comparing the incoming predicate with the initiating points of the backend servers by reference to a table. [0126]. Hence, Ganguly discloses receiving a query from a client and converting that query into a predicate that is used searching/storing data on an internal cache of a proxy server. However, there is no language in the cited passages that discloses receiving parameters associated with proxy server protocol data, receiving parameters associated with proxy server protocol data for a first end-user, receiving parameters associated with proxy server protocol data for a first end-user in response to an access request, and/or receiving parameters associated with proxy server protocol data for a first end-user in response to an access request from a client application of the first end-user. Thus, Ganguly does not disclose all of the limitations of claims 1, 6 and 11. M.P.E.P. §2131.

Additionally, regarding claims 1, 6 and 11, Appellant respectfully asserts that Ganguly does not disclose "accessing an application server on behalf of said client application in accordance with said retrieved parameters for said first end-user." The

Examiner cites paragraphs [0049] and [0127] of Ganguly as disclosing the above-cited claim limitation. Office Action (3/15/2006), page 3. Appellant respectfully traverses and asserts that Ganguly instead discloses a proxy system with predicate caching intelligence. [0049]. Ganguly further discloses that a query is transmitted to the appropriate backend database server as specified by an IP address entry in the backend configuration table. [0127]. There is no language in the cited passages that discloses accessing an application server on behalf of a client application in accordance with retrieved parameters, or accessing an application server on behalf of a client application in accordance with retrieved parameters for the first end-user. Thus, Ganguly does not disclose all of the limitations of claims 1, 6 and 11. M.P.E.P. §2131.

2. Claims 2, 4, 7, 9, 12 and 14 are not anticipated by Ganguly for at least the reasons that claims 1, 6 and 11, respectively, are not anticipated by Ganguly.

Claims 2 and 4 each recite combinations of features of independent claim 1, and thus claims 2 and 4 are not anticipated by Ganguly for at least the reasons that claim 1 is not anticipated by Ganguly. Claims 7 and 9 each recite combinations of features of independent claim 6, and thus claims 7 and 9 are not anticipated by Ganguly for at least the reasons that claim 6 is not anticipated by Ganguly. Claims 12 and 14 each recite combinations of features of independent claim 11, and thus claims 12 and 14 are not anticipated by Ganguly for at least the reasons that claim 11 is not anticipated by Ganguly.

3. Claims 2, 7 and 12 are not anticipated by Ganguly.

Regarding claims 2, 7 and 12, Appellant respectfully asserts that Ganguly does not disclose "creating, in said gateway of said IP network, the directory including entries specific to every end-user network account on said IP network." The Examiner cites paragraphs [0014]; [0030-0031] and items 404 and 700 of Ganguly as disclosing the above-cited claim limitation. Office Action (3/15/2006),

page 4. Appellant respectfully traverses and asserts that Ganguly instead discloses that LDAP is a database which operates on a schema, i.e., a format of data that the database stores and understands. [0014]. Additionally, Ganguly instead discloses a directory proxy caching system that is constructed based on a predicate, i.e., a query from a client. [0030]. Ganguly further discloses a predicate logic core that translates a conventional query from a client into a predicate used as the basis of (i) a probe/tool for searching/storing elaborate data on the internal cache of the proxy server and (ii) a directed request to retrieve the elaborate data from a remote server in the event the data is not present in the internal cache. [0031]. There is no language in the cited passages that discloses creating, in the gateway of an IP network, the directory. Neither is there any language in the cited passages that discloses creating, in the gateway of an IP network, the directory including entries specific to every end-user network account on the IP network. Thus, Ganguly does not disclose all of the limitations of claims 2, 7 and 12. M.P.E.P. §2131.

4. Claims 4, 9 and 14 are not anticipated by Ganguly.

Regarding claims 4, 9 and 14, Appellant respectfully asserts that Ganguly does not disclose "obtaining leading data from said client application having issued said access request for said end-user." The Examiner cites paragraph [0017] of Ganguly as disclosing the above-cited claim limitation. Office Action (3/15/2006), page 4. Appellant respectfully traverses and asserts that Ganguly instead discloses that a query from the client goes to proxy server. [0017]. Ganguly further discloses that once the data is found in the directory, or the database, the data is stored in a cache of the proxy server. [0017]. Additionally, Ganguly discloses that the data is indexed in the proxy server by the predicate. [0017]. Hence, Ganguly discloses that data is obtained from the directory or database and stored in the proxy server where the data is indexed by a predicate. There is no language in the cited passage that discloses obtaining leading data from a client application. The Examiner appears to assert that a query, predicate or request, as taught by Ganguly, discloses leading data.

Office Action (3/15/2006), page 4. However, the Examiner has not provided any basis in fact and/or technical reasoning to support such an assertion. *See Ex parte Levy*, 17 U.S.P.Q.2d 1461, 1464 (Bd. Pat. App. & Inter. 1990). That is, the Examiner must provide extrinsic evidence that must make clear that a query, predicate or request, as taught by Ganguly, discloses leading data, and that it would be so recognized by persons of ordinary skill. *See In re Robertson*, 169 F.3d 743, 745 (Fed. Cir. 1999). Since the Examiner has not provided any such objective evidence, the Examiner has not presented a *prima facie* case of anticipation in rejecting claims 4, 9 and 14. M.P.E.P. §2131.

Furthermore, in connection with the rejection of the above-cited claim limitation, there is no language in the cited passage that discloses obtaining leading data from a client application having issued the access request for the end-user. Thus, Ganguly does not disclose all of the limitations of claims 4, 9 and 14. M.P.E.P. §2131.

Additionally, regarding claims 4, 9 and 14, Appellant respectfully asserts that Ganguly does not disclose "parsing said leading data." The Examiner cites paragraph [0030] of Ganguly as disclosing the above-cited claim limitation. Office Action (3/15/2006), page 4. Appellant respectfully traverses and asserts that Ganguly instead discloses a directory proxy caching system that is constructed based on a predicate, i.e., a query from a client. [0030]. There is no language in the cited passage that discloses parsing leading data. Thus, Ganguly does not disclose all of the limitations of claims 4, 9 and 14. M.P.E.P. §2131.

Furthermore, regarding claims 4, 9 and 14, Appellant further asserts that Ganguly does not disclose "determining a protocol said client application is currently using." The Examiner cites paragraph [0005] of Ganguly as disclosing the above-cited claim limitation. Office Action (3/15/2006), page 4. Appellant respectfully traverses and asserts that Ganguly instead discloses that the requests issued from the

client and proxy server to the server conform to a conventional protocol, such as the lightweight directory access protocol (LDAP). [0005]. There is no language in the cited passage that discloses determining a protocol. Neither is there any language in the cited passage that discloses determining a protocol the client application is currently using. Thus, Ganguly does not disclose all of the limitations of claims 4, 9 and 14. M.P.E.P. §2131.

Additionally, regarding claims 4, 9 and 14, Appellant respectfully asserts that Ganguly does not disclose "interrogating said directory at an entry corresponding to said first end-user." The Examiner cites paragraphs [0039] and [0126-0127] of Ganguly as disclosing the above-cited claim limitation. Office Action (3/15/2006), page 4. Appellant respectfully traverses and asserts that Ganguly instead discloses the software components of a proxy server in Figure 2. [0039]. Ganguly further discloses comparing the incoming predicate with the initiating points of the backend servers by reference to a table. [0126]. Additionally, Ganguly discloses that a query is transmitted to the appropriate backend database server as specified by an IP address entry in the backend configuration table. [0127]. There is no language in the cited passages that discloses interrogating the directory at an entry corresponding to the first end-user. Thus, Ganguly does not disclose all of the limitations of claims 4, 9 and 14. M.P.E.P. §2131.

Furthermore, regarding claims 4, 9 and 14, Appellant respectfully asserts that Ganguly does not disclose "retrieving parameters associated with said protocol." The Examiner cites paragraphs [0040]; [0049] and [0126] of Ganguly as disclosing the above-cited claim limitation. Office Action (3/15/2006), page 4. Appellant respectfully traverses and asserts that Ganguly instead discloses that the client issues a query via the LDAP protocol to request certain data stored on the LDAP server. [0040]. Ganguly further discloses a proxy system with predicate caching intelligence. [0049]. In addition, Ganguly discloses comparing the incoming predicate with the initiating points of the backend servers by reference to a table. [0126]. There is no

language in the cited passages that discloses retrieving parameters. Neither is there any language in the cited passages that discloses retrieving parameters associated with the protocol the client application is currently using. Thus, Ganguly does not disclose all of the limitations of claims 4, 9 and 14. M.P.E.P. §2131.

Additionally, regarding claims 4, 9 and 14, Appellant respectfully asserts that Ganguly does not disclose "executing said protocol in accordance with said parameters associated with said protocol." The Examiner cites paragraphs [0040-0041] and [0127] of Ganguly as disclosing the above-cited claim limitation. Office Action (3/15/2006), page 4. Appellant respectfully traverses and asserts that Ganguly instead discloses that the client issues a query via the LDAP protocol to request certain data stored on the LDAP server. [0040]. Ganguly further discloses that by functioning as a proxy cache server, an aging algorithm may be used to manage the cached data, resulting in a situation where the requested data has been deleted from the proxy cache. [0041]. Additionally, Ganguly discloses that a query is transmitted to the appropriate backend database server as specified by an IP address entry in the backend configuration table. [0127]. There is no language in the cited passages that discloses executing the protocol the client application is currently using in accordance with the parameters. Neither is there any language in the cited passages that discloses executing the protocol the client application is currently using in accordance with the parameters associated with the protocol. Thus, Ganguly does not disclose all of the limitations of claims 4, 9 and 14. M.P.E.P. §2131.

B. Claims 3, 8 and 13 are not properly rejected under 35 U.S.C. §103(a) as being unpatentable over Ganguly in view of Aravamudan.

The Examiner has rejected claims 3, 8 and 13 under 35 U.S.C. §103(a) as being unpatentable over Ganguly in view of Aravamudan. Office Action (3/14/2006), page 5. Appellant respectfully traverses these rejections for at least the reasons stated below.

1. Ganguly and Aravamudan, taken singly or in combination, do not teach or suggest the following claim limitations.

Regarding claims 3, 8 and 13, Appellant respectfully asserts that Ganguly and Aravamudan, taken singly or in combination, do not teach or suggest "updating, in said gateway of said network, the directory of said end-users." The Examiner cites [0043] of Ganguly as teaching the above-cited claim limitation. Office Action (3/15/2006), page 5. Appellant respectfully traverses and asserts that Ganguly instead teaches that a request is directed to acquiring information on clients having the title system engineer, which information is not present in the cache of the proxy server. [0043]. There is no language in the cited passage that teaches updating a directory of the end-users. Neither is there any language in the cited passage that teaches updating a directory of the end-users in the gateway of the network. Therefore, the Examiner has not presented a *prima facie* case of obviousness in rejecting claims 3, 8 and 13, since the Examiner is relying upon incorrect, factual predicates in support of the rejections. *In re Rouffet*, 47 U.S.P.Q.2d 1453, 1455 (Fed. Cir. 1998).

Furthermore, regarding claims 3, 8 and 13, Appellant respectfully asserts that Ganguly and Aravamudan, taken singly or in combination, do not teach or suggest "disabling entries for those of said end-users that disconnect." The Examiner cites column 8, lines 1-30 of Aravamudan as teaching the above-cited claim limitation. Office Action (3/15/2006), page 5. Appellant respectfully traverses and asserts that Aravamudan instead teaches determining the termination of a network session through lack of network connectivity or disabling of the device, either intentionally or unintentionally and updating a communications services platform database. Column 8, lines 5-9. Hence, Aravamudan teaches determining the termination of a network session. There is no language in the cited passage that teaches disabling entries. Neither is there any language in the cited passage that teaches disabling entries for those of the end-users that disconnect. Therefore, the Examiner has not presented a *prima facie* case of obviousness in rejecting claims 3, 8 and 13, since the Examiner is

relying upon incorrect, factual predicates in support of the rejections. *In re Rouffet*, 47 U.S.P.Q.2d 1453, 1455 (Fed. Cir. 1998).

Additionally, regarding claims 3, 8 and 13, Appellant respectfully asserts that Ganguly and Aravamudan, taken singly or in combination, do not teach or suggest "enabling entries for those of said end-users that connect." The Examiner cites column 2, lines 40-49 of Aravamudan as teaching the above-cited claim limitation. Office Action (3/15/2006), page 5. Appellant respectfully traverses and asserts that Aravamudan instead teaches that if an associate is assigned a low priority by the user, the associate will never discern whether the user is online or offline, instead the associate will always communicate and interact with the user via the user proxy. Column 2, lines 39-42. There is no language in the cited passage that teaches enabling entries. Neither is there any language in the cited passage that teaches enabling entries for those of the end-users that connect. Therefore, the Examiner has not presented a *prima facie* case of obviousness in rejecting claims 3, 8 and 13, since the Examiner is relying upon incorrect, factual predicates in support of the rejections. *In re Rouffet*, 47 U.S.P.Q.2d 1453, 1455 (Fed. Cir. 1998).

Furthermore, regarding claims 3, 8 and 13, Appellant respectfully asserts that Ganguly and Aravamudan, taken singly or in combination, do not teach or suggest "updating said entries of said end-users comprising dynamic parameters whenever said parameters are changing while connected." The Examiner cites [0043] of Ganguly as teaching the above-cited claim limitation. Office Action (3/15/2006), page 5. Appellant respectfully traverses and asserts that Ganguly instead teaches that a request is directed to acquiring information on clients having the title system engineer, which information is not present in the cache of the proxy server. [0043]. There is no language in the cited passage that teaches updating entries of the end-users. Neither is there any language in the cited passage that teaches updating entries of the end-users comprising dynamic parameters whenever the parameters are changing while connected. Therefore, the Examiner has not presented a *prima facie*

case of obviousness in rejecting claims 3, 8 and 13, since the Examiner is relying upon incorrect, factual predicates in support of the rejections. *In re Rouffet*, 47 U.S.P.Q.2d 1453, 1455 (Fed. Cir. 1998).

2. Motivation to modify Ganguly with Aravamudan to incorporate the missing claim limitations of claims 3, 8 and 13 is insufficient to establish a *prima facie* case of obviousness in rejecting claims 3, 8 and 13.

Most if not all inventions arise from a combination of old elements. *See In re Rouffet*, 47 U.S.P.Q.2d 1453, 1457 (Fed. Cir. 1998). Obviousness is determined from the vantage point of a hypothetical person having ordinary skill in the art to which the patent pertains. *In re Rouffet*, 47 U.S.P.Q.2d 1453, 1457 (Fed. Cir. 1998). Therefore, an Examiner may often find every element of a claimed invention in the prior art. *Id.* However, identification in the prior art of each individual part claimed is insufficient to defeat patentability of the whole claimed invention. *See Id.* In order to establish a *prima facie* case of obviousness, it is necessary for the Office Action to present evidence, preferably in the form of some teaching, suggestion, incentive or inference in the applied prior art, or in the form of generally available knowledge that one having ordinary skill in the art would have led to combine the relevant teachings of the applied references in the proposed manner to arrive at the claimed invention. *Ex parte Levengood*, 28 U.S.P.Q.2d 1300, 1301 (B. Pat. App. & Int. 1993); *Ashland Oil, Inc. v. Delta Resins and Refractories, Inc.*, 776 F.2d 281, 227 U.S.P.Q. 657 (Fed. Cir. 1985). This evidence must be objective, and not merely the Examiner's subjective opinion. The legal conclusion of obviousness must be supported by facts. *See Graham v. John Deere & Co.*, 383 U.S. 1 (1966). Where the legal conclusion is not supported by facts, it cannot stand. *Id.*

The Examiner admits that Ganguly does not teach "disabling entries for those of said end-users that disconnect; enabling entries for those of said end-users that connect" as recited in claim 3 and similarly in claims 8 and 13. The Examiner asserts

that Aravamudan teaches these limitations. Office Action (3/15/2006), page 5. The Examiner's motivation for modifying Ganguly with Aravamudan to include the above-cited claim limitations is "because teaching of Aravamudan to allow user connection status would improve the interface of Ganguly by maintain the connection status of end user devices and notify said user of the current system status (Aravamudan, see for example, Col. 7, line 60 – Col. 8, line 5)." Office Action (3/15/2006), page 5. The Examiner's motivation is insufficient to support a *prima facie* case of obviousness in rejecting claims 3, 8 and 13 as discussed below.

The Examiner's motivation ("[because teaching of Aravamudan to allow user connection status would improve the interface of Ganguly by maintain the connection status of end user devices and notify said user of the current system status]") does not provide reasons, as discussed further below, that the skilled artisan, confronted with the same problems as the inventor and with no knowledge of the claimed invention, would modify Ganguly to include the missing claim limitation of claims 3, 8 and 13. Accordingly, the Examiner has not presented a *prima facie* case of obviousness for rejecting claims 3, 8 and 13. *In re Rouffet*, 47 U.S.P.Q.2d 1453, 1458 (Fed. Cir. 1998).

As stated above, the Examiner cites column 7, line 60 – column 8, line 5 of Aravamudan as support for the Examiner's motivation. Aravamudan teaches that if no interaction with a user interface is sensed during an activity monitor check, then the time from last activity (T) is compared to a specified inactivity time limit. Column 7, lines 59-63. Aravamudan further teaches if time T is less than or equal to LIMIT, no immediate action is taken and the activity monitor continues to monitor for user interaction with a user interface. Column 7, lines 63-66. There is no language in the cited passage that supports the Examiner's motivation of improving the interface of Ganguly by maintaining the connection status of end user devices and notifying the user of the current system status. As a result, the Examiner's cited passages do not provide reasons that the skilled artisan, confronted with the same problems as the

inventor and with no knowledge of the claimed invention, would modify Ganguly to include the missing claim limitations of claims 3, 8 and 13. Accordingly, the Examiner has not presented a *prima facie* case of obviousness for rejecting claims 3, 8 and 13. *In re Rouffet*, 47 U.S.P.Q.2d 1453, 1458 (Fed. Cir. 1998).

Further, Ganguly addresses the problem of indexing directories, that includes accessing cached information, without degrading the performance of the server. [0015-0016]. The Examiner has not provided any reasons as to why one skilled in the art would modify Ganguly, which teaches indexing directories, that includes accessing cached information, without degrading the performance of the server, to disable entries for those of the end-users that disconnect and to enable entries for the end-users that connect (missing claim limitations of Ganguly). The Examiner's motivation ("because teaching of Aravamudan to allow user connection status would improve the interface of Ganguly by maintain the connection status of end user devices and notify said user of the current system status") does not provide such reasoning. Hence, the Examiner's motivation does not provide reasons, as discussed further below, that the skilled artisan, confronted with the same problems as the inventor and with no knowledge of the claimed invention, would modify Ganguly to include the missing claim limitations of claims 3, 8 and 13. Accordingly, the Examiner has not presented a *prima facie* case of obviousness for rejecting claims 3, 8 and 13. *In re Rouffet*, 47 U.S.P.Q.2d 1453, 1458 (Fed. Cir. 1998).

Furthermore, based on the Examiner's stated motivation ("because teaching of Aravamudan to allow user connection status would improve the interface of Ganguly by maintain the connection status of end user devices and notify said user of the current system status"), the Examiner appears to be in essence asserting that since the references can be combined that it would have been obvious to combine Ganguly with Aravamudan. However, the mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art also suggest the desirability of the combination. *In re Mills*, 916 F.2d 680, 16 U.S.P.Q.2d

1430 (Fed. Cir. 1990); M.P.E.P. §2143.01. Hence, the Examiner's stated motivation is insufficient to support a *prima facie* case of obviousness in rejecting claims 3, 8 and 13. *Id.*

C. Claims 5, 10 and 15 are not properly rejected under 35 U.S.C. §103(a) as being unpatentable over Ganguly in view of Banavar.

The Examiner has rejected claims 5, 10 and 15 under 35 U.S.C. §103(a) as being unpatentable over Ganguly in view of Banavar. Office Action (3/14/2006), page 6. Appellant respectfully traverses these rejections for at least the reasons stated below.

The reference Banavar, which only qualifies as prior art under 35 U.S.C. §102(e), does not preclude patentability under 35 U.S.C. §103 since Banavar and the claimed invention in claims 5, 10 and 15 were at the time the invention was made, subject to an obligation of assignment to the same person, which in this case was International Business Machines Corporation. Thus, Banavar is disqualified as being used as a prior art reference under 35 U.S.C. §103(c).

VIII. CONCLUSION

For the reasons noted above, the rejections of claims 1-15 are in error. Appellant respectfully requests reversal of the rejections and allowance of claims 1-15.

Respectfully submitted,

WINSTEAD SECHREST & MINICK P.C.

Attorneys for Appellant

By: _____

Robert A. Voigt, Jr.

Reg. No. 47,159

Kelly K. Kordzik

Reg. No. 36,571

P.O. Box 50784
Dallas, Texas 75201
(512) 370-2832

CLAIMS APPENDIX

1. In a client-server environment, a method for providing transparency in a gateway of an IP network comprising the steps of:

interrogating a directory comprising proxy server protocol data specific to every end-user network account of said IP network;

retrieving parameters associated with said proxy server protocol data for a first end-user in response to an access request from a client application of said first end-user;

accessing an application server on behalf of said client application in accordance with said retrieved parameters for said first end-user; and

relaying data between said client application and said application server.

2. The method according to claim 1 further comprising the step of:

creating, in said gateway of said IP network, the directory including entries specific to every end-user network account on said IP network.

3. The method according to claim 1 further comprising the step of:

updating, in said gateway of said network, the directory of said end-users, said step of updating the directory including the steps of:

disabling entries for those of said end-users that disconnect;

enabling entries for those of said end-users that connect; and

updating said entries of said end-users comprising dynamic parameters whenever said parameters are changing while connected.

4. The method according to claim 1 wherein the step of retrieving parameters associated with proxy server protocol data for said first end-user includes the steps of:

obtaining leading data from said client application having issued said access request for said end-user;

parsing said leading data;

determining a protocol said client application is currently using;
interrogating said directory at an entry corresponding to said first end-user;
retrieving parameters associated with said protocol; and
executing said protocol in accordance with said parameters associated with said protocol.

5. The method according to claim 1 further including the step of informing said end-user of said client application that a server application is unavailable if a link to said application server is not established.

6. A data processing system for providing a gateway of an IP network, comprising:

circuitry operable for interrogating a directory comprising proxy server protocol data specific to every end-user network account of said IP network;

circuitry operable for retrieving parameters associated with said proxy server protocol data for a first end-user in response to an access request from a client application of said first end-user;

circuitry operable for accessing an application server on behalf of said client application in accordance with said retrieved parameters for said first end-user; and

circuitry operable for relaying data between said client application and said application server.

7. The system according to claim 6 further comprising:

circuitry operable for creating, in said gateway of said IP network, the directory including entries specific to every end-user network account on said IP network.

8. The system according to claim 6 further comprising:

circuitry operable for updating, in said gateway of said network, the directory

of said end-users, said circuitry operable for updating the directory including:

circuitry operable for disabling entries for those of said end-users that disconnect;

circuitry operable for enabling entries for those of said end-users that connect; and

circuitry operable for updating said entries of said end-users comprising dynamic parameters whenever said parameters are changing while connected.

9. The system according to claim 6 wherein the circuitry operable for retrieving parameters associated with said end-user for said access request from said client application includes:

circuitry operable for obtaining leading data from said client application having issued said access request for said end-user;

circuitry operable for parsing said leading data;

circuitry operable for determining a protocol said client application is currently using;

circuitry operable for interrogating said directory at an entry corresponding to said first end-user; and

circuitry operable for retrieving parameters associated with said protocol; executing said protocol in accordance with said parameters associated with said protocol.

10. The system according to claim 6 further including the circuitry operable for informing said end-user of said client application that a server application is unavailable if a link to said application server is not established.

11. A computer program product embodied in a tangible storage medium, the program product for providing transparency in a gateway of an IP network, the

program product including a program of instructions for performing the steps of:

- interrogating a directory comprising proxy server protocol data specific to every end-user network account of said IP network;

- retrieving parameters associated with said proxy server protocol data for a first end-user in response to an access request from a client application of said first end-user;

- accessing an application server on behalf of said client application in accordance with said retrieved parameters for said first end-user; and

- relaying data between said client application and said application server.

12. The computer program product according to claim 11, further comprising instructions for performing the step of:

- creating, in said gateway of said IP network, the directory including entries specific to every end-user network account on said IP network.

13. The program product according to claim 11 further comprising instructions for performing the step of:

- updating, in said gateway of said network, the directory of said end-users, said step of updating the directory including the steps of:

- disabling entries for those of said end-users that disconnect;

- enabling entries for those of said end-users that connect; and

- updating said entries of said end-users comprising dynamic parameters whenever said parameters are changing while connected.

14. The program product according to claim 11 wherein the step of retrieving parameters associated with said end-user for said access request from said client application includes the steps of:

- obtaining leading data from said client application having issued said access request for said end-user;

parsing said leading data;
determining a protocol said client application is currently using;
interrogating said directory at an entry corresponding to said first end-user;
retrieving parameters associated with said protocol; and
executing said protocol in accordance with said parameters associated with said protocol.

15. The program product according to claim 11 further including instructions for performing the step of informing said end-user of said client application that a server application is unavailable if a link to said application server is not established.

EVIDENCE APPENDIX

No evidence was submitted pursuant to §§1.130, 1.131, or 1.132 of 37 C.F.R. or of any other evidence entered by the Examiner and relied upon by Appellant in the Appeal.

RELATED PROCEEDINGS APPENDIX

There are no related proceedings to the current proceeding.

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